

REMARKS

The Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

Status

Claims 1-39 were pending.

Claims 4, 5, 20, and 21 are being cancelled without prejudice to further prosecution on the merits.

Claims 1-3, 6-19, and 22-39 are now pending in this Application.

The Applicants believe that the present Application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Allowable Subject Matter

In Section 9 of the Office Action, the Examiner stated that Claims 1-3, 6-19, and 22-39 were "allowed." The Examiner stated that:

As per claim 1, the prior art of record taken alone or in combination fails to teach calculating a time constant for the averaging device based at least on the time constant for the controlled device, and the specified operational characteristic.

As per claim 17, the prior art of record taken alone or in combination fails to teach the averaging device includes a time constant based on the time constant for the controlled device, a controllable ranged of the controlled device, and the specified characteristic.

As per claim 28, the prior art of record taken alone or in combination fails to teach averaging a signal with at time constant based on the time constant for the controlled device, the controllable range of the controlled device, and the specified operational characteristic.

As per claim 32, the prior art of record taken alone or in combination fails to teach receiving a signal representative of a measured value of a controlled parameter of the device, the controlled parameter having a second time constant that is smaller than the first time constant; passing the measured value through an averaging device using a third time constant to provide an averaged value.

While the Applicants agree that the allowable claims recite a combination of subject matter that is patentable over the cited references, the Applicants do not necessarily agree with or acquiesce in the statement of reasons for allowance given by the Examiner. Moreover, the Applicants note that the recited subject matter as well as various other subject matter and/or combinations of subject matter may be patentable for other reasons than those given by the Examiner. The Applicants expressly reserve the right to set forth additional and/or alternative reasons for patentability and/or allowance in connection with the present Application or in any other future proceeding.

Objection to the Drawings

In Section 4 the Examiner stated that “Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated.” Figure 1 has been amended as requested by the Examiner.

In Section 5 of the Office Action, the Examiner objected to the Drawings “because they include the following reference character(s) not mentioned in the description: reference numbers 138 and 140 in figure 8 and τ_{device} , τ_{desired} and r_{spec} in figure 9.” Paragraphs [0054] and [0055] have been amended to recite the reference characters 138, 140, τ_{device} , and τ_{desired} . Figure 9 has been amended to correspond with the reference character used in the Specification (“ r_{spec} ” has been replaced with --r--). The Applicants request withdrawal of the objection to the Drawings.

Objection to the Specification

In Section 7 of the Office Action, the Examiner objected to the Specification “because of the following informalities: figures 5 and 7 are not mentioned in the detailed description.” The Specification has been amended to reference Figure 5. Figure 7 is reference in paragraph [0026] of the Specification.

The Examiner also stated that “‘controlled device 30’ on page 20 [0049] and [0051] should be -- controlled device 130 --.” The Specification has been amended to replace “controlled device 30” with --controlled device 130-- in paragraphs [0049] and [0051].

The Applicants request withdrawal of the objection to the Specification.

Objection to the Claims

In Section 8 the Examiner objected to Claims 4, 5, 20, and 21 "as being a substantial duplicate of claims 2, 3, 18 and 19, respectively." Claims 4, 5, 20, and 21 have been cancelled without prejudice to further prosecution on the merits.

* * *

The Applicants believe that the present Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date 10/17/2005

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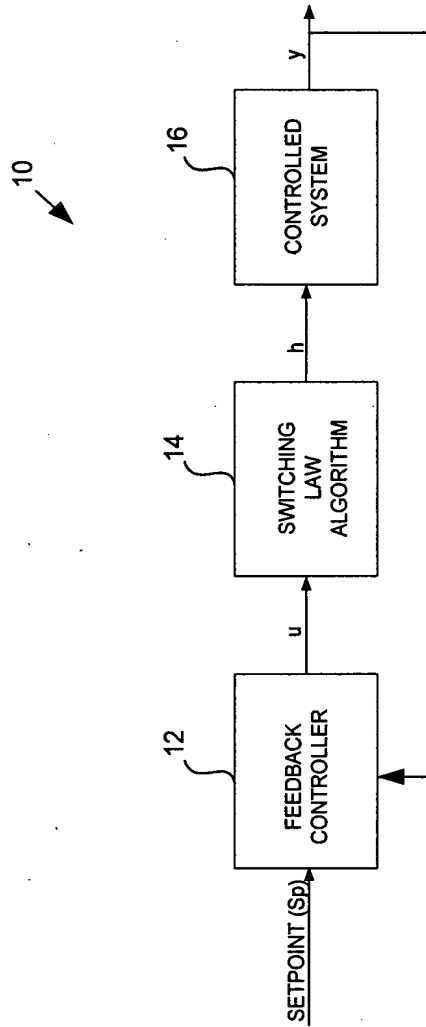
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Amendments to the Drawings:

The drawing sheets attached in connection with the above-identified application (Figures 1 and 9) are being presented as a new formal drawing sheets to be substituted for the previously submitted drawing sheet or sheets. The drawing Figures 1 and 9 have been amended. Appended to this amendment is an annotated copy of the previous drawing sheet which has been marked to show changes presented in the replacement sheet of the drawing.

The specific change that has been made to Figure 1 is that it has been designated with a legend of --Prior Art--.

The specific change that has been made to Figure 9 is that " r_{spec} " has been changed to --r--.



Prior Art

FIG. 1

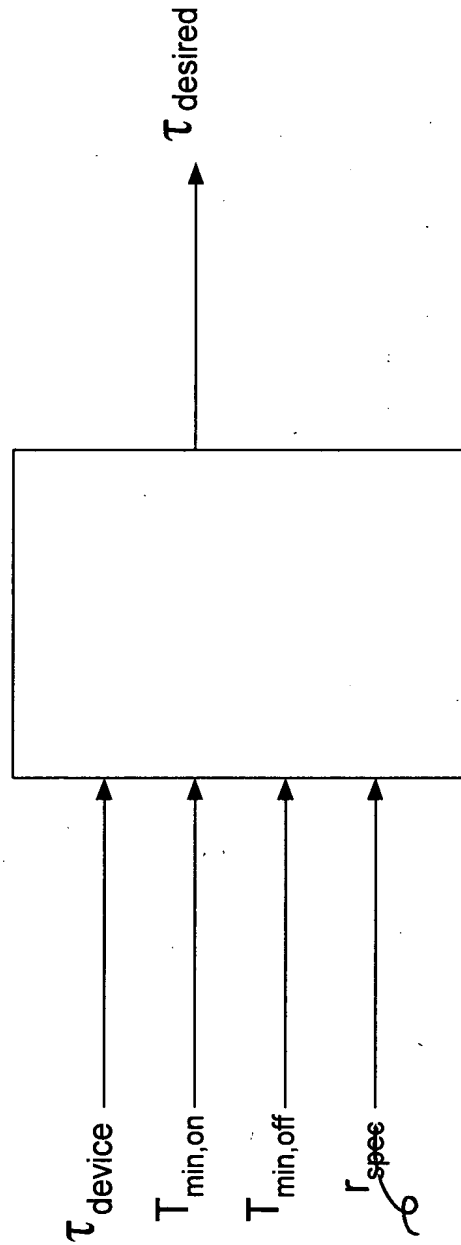


FIG. 9